

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT LEE CHILDRESS, JR., #365065,

Plaintiff, CIVIL ACTION NO. 10-11008

v. DISTRICT JUDGE MARK A. GOLDSMITH

MICHAEL MICHALKE, MAGISTRATE JUDGE MARK A. RANDON

Defendant.

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**ORDER GRANTING DEFENDANT'S MOTION FOR LEAVE TO  
TAKE PLAINTIFF'S DEPOSITION (DKT. 144) AND DENYING AS MOOT  
DEFENDANT'S MOTION TO AMEND/CORRECT OPINION (DKT. 137)**

This matter is before the Court on Defendant Michael Michalke's ("Defendant") motion for leave to take Plaintiff Robert Lee Childress, Jr.'s deposition (Dkt. 144) and Defendant's motion to amend/correct opinion (Dkt. 137).

As to Defendant's discovery motion, Defendant requests leave to take Plaintiff's deposition, because Plaintiff is currently incarcerated. This motion is **GRANTED**. Defendant should make arrangements to depose Plaintiff prior to the December 7, 2012 discovery cut-off.

Defendant's second motion requests that the Court not require Defendant to file a responsive pleading to Plaintiff's amended complaint (Dkt. 99), because Plaintiff did not re-file his first amended complaint as a separate docket entry. Since filing this motion, Defendant has filed an answer (Dkt. 139) to Plaintiff's first amended complaint. Therefore, Defendant's motion to amend/correct opinion (Dkt. 137) is **DENIED, AS MOOT**.

**IT IS SO ORDERED.**

s/Mark A. Randon

Mark A. Randon

United States Magistrate Judge

Dated: November 7, 2012

*Certificate of Service*

*I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, November 7, 2012, by electronic and/or ordinary mail.*

s/Melody R. Miles

*Case Manager to Magistrate Judge Mark A. Randon*